

## Wetlands Regulations

Wetlands cover about 813,000 acres of Indiana. These wetlands support rich biological communities across the state, especially in northern and southwestern Indiana. Wetlands have many functions. These include the following: providing habitat, trapping and filtering sediments, providing flood storage capacity, buffering soil from erosion, as well as educational, recreational and economic functions. Because of their value, there are several federal and state laws that regulate activities that affect wetlands. The major laws protecting wetlands include the Federal Clean Water Act, the Rivers and Harbors Act, and Indiana's Flood Control Act. Each act also has a definition of wetlands. The three common features of all of these definitions are as follows:

**wetland's vegetation** - plants that are adapted to a wet environment  
**hydric soils** - soils that are characterized by anaerobic conditions  
**hydrology**- an area that is inundated or saturated to the surface for at least 5% of the growing season in most years

Each INDOT District has a set of U.S. Fish and Wildlife Service National Wetland Inventory maps. The wetlands are shown on U.S.G.S. quadrangle maps. These maps have been developed by aerial photo interpretation. Most of these maps are not ground verified, so the maps are not definitive. Use them as a tool to indicate whether a wetland *might* be present. Contact your District Environmental Coordinator for assistance with these maps.

The determination of whether a site is a jurisdictional (regulated) wetlands follows some fairly complex guidelines. A jurisdictional wetland is an area that has undergone the process of identification and delineation. This process is described in the January 1987 *Final Report by the Corps of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1. A professional that has experience in wetland's delineation should conduct the delineation. Contact the Division of Operations Support for assistance in determining whether an area is a jurisdictional wetland.

An area must meet all three criteria before it qualifies as a regulatory wetland. Permits are often required when wetlands are impacted. A permit is required whenever cutting or filling occurs, soil is disturbed, the plant's root system is disturbed, or the water regime is affected in a wetland area. Here are typical permits required when wetlands are affected:

- U.S. Army Corps of Engineers Section 404/Section 10 Permit
- U.S. Coast Guard Bridge Permit
- National Pollutant Discharge Elimination System Permit
- Rule 5 General Permit for Construction Activity Storm Water
- Runoff Control IDNR Construction in a Floodway Permit
- IDEM Section 401 Water Quality Certification

Conditions of the permit(s) typically include mitigation measures. Typical conditions include: do not change the hydrology of the wetlands' areas, do not construct ditches next to the wetland's area, do not allow discharge of fill materials into the

wetlands, and adhere to strict erosion control methods adjacent to wetlands. Be familiar with all permit conditions and adhere to them completely. If conditions are impossible to comply with, contact the Division of Operations Support to see if the conditions can be lifted or revised. Permits often require the construction of replacement wetlands as a mitigation measure. The construction and revegetation of a replacement wetland are either conducted as an integral part of the construction project or let separately. The design of replacement wetlands is the result of agreements between several resource and permitting agencies. Be familiar with these plans and construct the wetlands as designed. If problems arise concerning the design/revegetation of the wetland mitigation site, contact the Division of Operations Support.

INDOT is responsible for the proper disposal of items taken from INDOT right-of-way, especially if they are to be disposed of in a wetland's area. Disposal of material within a wetland usually requires a permit(s), even when located on private property. If the contractor chooses to dispose of material in a regulatory wetland, it is the project engineer's responsibility to insure that the contractor has obtained all the proper permits. Having one permit for work in a wetland's area does not exempt you from obtaining other required permits for the same work. Make sure you have all appropriate permits. If you have questions, contact the Division of Operations Support.